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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,137	01/18/2001	Lloyd Adams	JPM-052	7821
	7590 06/20/201 perty Department	EXAMINER		
Goodwin/Procter LLP 901 New York Avenue, NW Washington, DC 20001			AKINTOLA, OLABODE	
			ART UNIT	PAPER NUMBER
<i>C</i> ,			3691	
			MAIL DATE	DELIVERY MODE
			06/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
09/765,137	ADAMS ET AL.	
Examiner	Art Unit	
OLABODE AKINTOLA	3691	

5. Applicant's reply has overcome the following rejection(s):  6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. ☑ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Examiner has addressed the issues raised in the final office action mailed on April 11, 2011.  12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)	The MAILING DATE of this communication appears on the co	ver sheet with the correspondence address
application, applicant must timely file one of the following replies: (1) an amendment, affidiavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) The period for reply expiresmonths from the mailing date of the final rejection.  b) The period for reply expiresmonths from the mailing date of the final rejection.  b) The period for reply expiresmonths from the mailing date of the final rejection.  Examiner Note: Ibox 1: echecked, check either box (a) or (5). ONLY CHECK 80X (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE RINAL REJECTION, See MPEP 706.07(f).  Extendions of time may be obtained under 37 CFR 1.1364, Ibo date on which the petition under 37 CFR 1.134(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Extensions of time may be obtained under 37 CFR 1.137(a) in the other correction of the date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  The Notice of Appeal and See and the mail of the final rejection in the filed within two months of the date of filing a brief, will not be entered because (a) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because of the control of the mail of the filed wit	THE REPLY FILED <u>09 June 2011</u> FAILS TO PLACE THIS APPLICATION IN	CONDITION FOR ALLOWANCE.
a) The period for reply expiresmonths from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. The property of the control of the property of	application, applicant must timely file one of the following replies: (1) an application in condition for allowance; (2) a Notice of Appeal (with appeal for Continued Examination (RCE) in compliance with 37 CFR 1.114. Th	amendment, affidavit, or other evidence, which places the al fee) in compliance with 37 CFR 41.31; or (3) a Request
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. whichever is later. In no event, however, will the statutory period for reply expire later than \$XIN MONTHS from the mailing date of than rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE PROPERTY WAS FILED WITH		ıl rejection.
MONTHS OF THE FINAL REJECTION. See MPEP 766.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed its the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed its the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed its the date for min (f) above. If checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 7.01(a) or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  AMENDMENTS  In proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise new issues that would require further consideration and/or search (see NOTE below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d)	b) The period for reply expires on: (1) the mailing date of this Advisory Action, no event, however, will the statutory period for reply expire later than SIX Mo	or (2) the date set forth in the final rejection, whichever is later. In DNTHS from the mailing date of the final rejection.
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above; if checked, Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patient term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL.  1 The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  3		CK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO
NOTICE OF APPEAL 2.	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the pe have been filed is the date for purposes of determining the period of extension and the under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statut set forth in (b) above, if checked. Any reply received by the Office later than three mon	corresponding amount of the fee. The appropriate extension fee bry period for reply originally set in the final Office action; or (2) as
2. ☐ The Notice of Appeal was filled on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS  3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  (b) ☐ They raise the issue of new matter (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:		
3.	2. The Notice of Appeal was filed on A brief in compliance with 37 filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (Notice of Appeal has been filed, any reply must be filed within the time p	37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a
(o) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:	3. The proposed amendment(s) filed after a final rejection, but prior to the (a) They raise new issues that would require further consideration an	
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4.	(c) They are not deemed to place the application in better form for ap	peal by materially reducing or simplifying the issues for
5. Applicant's reply has overcome the following rejection(s):		number of finally rejected claims.
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) prejected:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.	4. The amendments are not in compliance with 37 CFR 1.121. See attach	ed Notice of Non-Compliant Amendment (PTOL-324).
non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a)   will not be entered, or b)   will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.	5. Applicant's reply has overcome the following rejection(s):	
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Claim(s) rejected: Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  Applicant's arguments are not persuasive. Examiner has addressed the issues raised in the final office action mailed on April 11, 2011.  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)  /Olabode Akintola/	how the new or amended claims would be rejected is provided below or The status of the claim(s) is (or will be) as follows:	
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